

1. 59
WALTER COLLINS,

Six miles southwest
of Ponca City, Okla.

Material.

2.

Alleged to have been running the whiskey
joint near Ralston when the Bryan Burk-
hart-Anna Brown party stopped there the
night of May 21, 1921, and that he sold
them their whiskey. He should be able
to identify the various members of the
party, who, it is said, left his road-
house about 10 P. M. that night.

3.

Page 449
Par. 2

Moore and question
daily before using
before Grand Jury.

(123)

1.
MRS. MAGGIE CLARK
McCLURE,

Fairfax, Okla.

2.

Removed to have seen Bryan Burkhardt and
Anna Brown leaving Anna Brown's house.
In an interview with Agent Weakley in
August, 1923, she denied this, and claim-
ed to have no knowledge.

3.

Page 116
Par. 1

4.
Subpoena and question
served July before using
before Grand Jury.

LEE HINKLE,

One mile north, and
half mile west of
Grayhorse, Okla.

Material.

2.

Can testify that just after daylight, on
Sunday morning, May 22, 1921, he saw
Bryan Burkhart driving east into Gray-
horse in Ernest Burkhart's Buick car,
and stopped and spoke to Bryan, and that
Bryan has asked him not to tell this to
anyone.

Reported that Bryan Burkhart claims to
have "fired" Hinkle so he will not tell.

3.

Page 649
Par. 2

Page 474-0
Par. 5

subpoena and question
asked before using
before Grand Jury.

1.

FRED UTO,
Fairfax, Okla.

2.

Stated to Agent Weekley that on May 21, 1921, he and Robert Kisse drove up to Anna Brown's house about 8 P. M., but found no one at home; that they called at her house again about 11 P. M. that night and found no one at home.

3.

Page 169
Par. last

subpoena and question
daily before using
before Grand Jury.

this man's name is
also given as Lee
to

Material

1735

5-17-35

1.
ROBERT KISSER or
KAZEE,

Address unknown

*Farmer near
Fairfax, Okla.*

Material.

2.
Can testify that early on Saturday night, May 21, 1921, he went to the home of Anna Brown, and no one was there; that he again called at her home a little later the same night, and found no one there. (Corroborates testimony of Fred Uto.)

Can testify that on the afternoon of Sunday, May 22, 1921, he and Duke Burkhardt drove to the home of Anna Brown to see if she was there, but she was not home; that Duke Burkhardt claimed he was looking for her at the request of Anna's mother.

3.
Page 113
Par. 1st

Page 112
Par. 1st

Subpoena and question
furnish before using
before Grand Jury.

1336

1.

ANDY SMITH,
Fairfax, Okla.

2.

Can testify that while hunting, with Oms Smith and I. J. Ellsworth, on Three Mile Creek, on May 27, 1921, they discovered an Indian woman's dead body, badly decomposed, at the head of a branch of Three Mile Creek, and about three miles northeast of Fairfax; that they went to Fairfax and reported their discovery to Mr. Turnden, an undertaker, and took him and others back that same day and showed them where the body was.

Material.

3.

Page 312
Par. 3

appear and
question fully before
being before Grand
jury.

May have additional
information, and
names of other wit-
nesses.

1337

2.

Woman
-ANDY SMITH,

Fairfax, Okla. :

Material:

Can testify that while hunting with Andy Smith and I. L. Ellsworth on Three Mile Creek, on May 27, 1921, they discovered an Indian woman's dead body, badly decomposed, at the head of a branch of Three Mile Creek, and about three miles northeast of Fairfax; that they went to Fairfax and reported their discovery to Mr. Turnden, an undertaker, and took him and others back that same day and showed them where the body was. (Corroborates testimony of Andy Smith)

3.

Page 212
Par. 3

See books and question fully before being before Grand Jury.

Will have additional information and names of other witnesses.

CONFIDENTIAL

MR. TURNER:

Turner
Undertaker,

Fairfax, Okla.

Material

2.

Can testify that he was notified of the finding of the body by Andy Smith, One Smith and I. L. Ellsworth; that he went out to the spot but could not identify the body; That Dr. J. G. Shoun, Mrs. Anna Sitterly, Mrs. Mollie Burkhardt and Mrs. Rita Smith, all of Fairfax, subsequently identified the body as that of Anna Brown; that he prepared the body for burial by freezing it in ice and salt where it was found; that at the place where the body was found, Drs. J. G. Shoun and D. A. Shoun performed a rude autopsy by bisecting the skull from front to rear, and searching in the decayed brain mass for the bullet, which was not found; that a more thorough autopsy could not be made on account of the terrible condition and odor of the body; Mr. Turneden still has the left side of the skull, showing the bullet hole.

Can testify that he examined the surroundings carefully, noted the position of the body, and the position and condition of the clothes, and is convinced that Anna Brown was sitting just where her body was found when she was shot. Can also testify that a round quart whiskey bottle was about an inch or two whiskey in the ground lying near the body on the ground.

3.

Page 687
Par. last.

Page 618
Par. last

subpoena and question
daily before using
before Grand Jury.

1.

DR. J. G. SHOWN,
Fairfax, Okla.:

2.

Can testify that he identified the dead
body as that of Anna Brown.

Can also testify that he and his brother,
Dr. D. A. Shoun, performed a rude autopsy
on the body at the place where it was
found; that death was caused by a bullet
wound in the head; that the bullet was
not found, but that it is very possible
that the bullet was in the brain, and
not found because the work was crudely
and hastily done, on account of the bad
condition of the body.

Material.

3.

Page 657
Par. last.

Page 266
Par. 1

subpoena and question
asked orally before using
before Grand Jury.

1.

DR. D. A. SHOUN,

~~Deaver, Colo.~~
Canyon City, Colo.

Material.

2.

Can testify that he and his brother, Dr. J. G. Shoun, performed a rude autopsy on the body at the place where it was found; that death was caused by a bullet wound in the head; that the bullet was not found, but that it is very possible that the bullet was in the brain, and not found because the work was crudely and hastily done, on account of the bad condition of the body.

3.

Page 266
Par. 1

Subpoena and question
served on Dr. Shoun
before Grand Jury.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

1.
MRS. ANNA SITTERLY,
Fairfax, Okla.

2.
Can testify that she viewed the body
and positively identified it as that
of Anna Brown.

3.
Page 656
Par. 1

4.
This witness previ-
ously mentioned in
this case.

Material.

1.

MRS. MOLLIE BURKHART,
Fairfax, Okla.

Material.

2.

Can testify that she viewed the body
and positively identified it as that
of Anna Brown.

3.

Page 656
Par. 1

Subpoena and question
served before using
before Grand Jury.

This witness is the
wife of Ernest Burk-
hart, and a sister
of Anna Brown.

1.

SCOTT MATHIS,
Fairfax, Okla.

Material.

2.

Can testify that he viewed the body and
positively identified it as that of
Anna Brown.

3.

Page 656
Par. 1

4.

Subpoena and question
served before using
before Grand Jury.

1345

FRANK HICKEY,
Fairfax, Okla.

2.

Mrs. Anna Sitterly stated that she had heard that Frank Hickey had found a .32 calibre revolver, while out on a picnic near the spot where Anna Brown's body was found. In an interview with Agent Weakley, Hickey denied this.

Material.

3.

Page 118
Par. 2
and last.

Subpoena and question
dually before using
before Grand Jury.

1.

E. E. WILSON,
Justice of the Peace
Fairfax, Okla.

Material.

2.

Can testify that he presided over the coroners inquest that inquired into the death of Anna Brown; that notes of the testimony were made by Walter Gray, and he, Wilson, has a copy of the transcript; can testify relative to Bryan Burkhardt's testimony before the coroners jury, where in he swore that he took Anna Brown to her home in Fairfax about 4:30 P. M. on May 21, 1921, and never saw her alive after that.

3.

Page 556
Par. 3

4.

subpoena duces tecum.
Question fully before
 jury.

1.

MR. JEFFRIES,
Former Asst. County
Attorney.

Pawnee, Okla.

Material.

2.

Represented state at coroners inquest,
and at preliminary hearing of Bryan Burk-
hart, at which hearing Burkhart was dis-
missed on account of insufficient evi-
dence.

3.

Page 89
Par. last

Subpoena and question
served before using
before Grand Jury.

1348

1.

WALTER GRAY,
Fairfax, Okla.

Material.

2.

Took testimony at coroners inquest, and
furnished transcript of same to coroner.

3.

Page 665
Par. 1

Subpoena and question
served on Gray before using
before Grand Jury.

349

ERNEST BURKHART,
Fairfax, Okla.:

Testified before coroners jury.

Stated by Dewey Selph, on July 9, 1925, to Agents J. A. Street and J. R. Burger, that on the night before Anne Brown disappeared, he, Blackie Gord, Kelsie Morrison, Bob Crane, Charles Bailey, Bryan and Ernest Burkhart were at Ernest Burkhart's home near Grayhorse, playing poker, and Ernest Burkhart at that time said he would give \$2500. to get rid of Anna Brown, and \$2500. after she was done away with.

Selph's statement corroborated by W. O. Bailey, in statement made by Bailey to Agents F. S. Smith and J. A. Street on July 13, 1925.

Selph's and Bailey's statements corroborated by B. B. Crane, in statement made by Crane to Agents F. S. Smith and J. A. Street.

3.

Page 107
Par. last.

Page 721
Par. last

Page 720
Par. last

Page 776
Par. all

Conspirator. Will
not be used before
Grand Jury.

Ernest Burkhart married Mollie a daughter of Lissie Q. and Minister of Anna Brown. Mollie inherited the estates of Lissie Q. and Anna Brown. Mollie, Ernest's wife, is now seriously ill, she is the last of the Lissie Q. family, and it is believed that she is being slowly poisoned, so that all the property formerly held by these Indians will go to the Burkharths.

BRYAN BURKHART,
Fairfax, Okla.

1.

2.

3.

Testified before coroners jury that the last time he saw Anna Brown alive was on Saturday May 21, 1921 about 4:30 or 5 o'clock. (This is direct contradiction of statements of George James Edith Davis, I. R. Hedges, E. D. Rainey, J. McGuire, Fred Wheeler, Lee Morgan, Paul Johns, Maggie Clark McClure, Mrs. George James, Walter Collins, Martha Doughty Brockshire.)

Conspirator.

Conspirator, Will not be used before Grand Jury.

Page 108
Par. all

As stated by George James, Bryan Burkhart, Anna Brown, J. L. Bridges, George James and Edith Davis were on a drinking party at a whiskey joint just west of Ralston Saturday night May 21, 1921, where they stayed until 10 P. M., then drove to Paul John's roadhouse near Burbank where they stayed until 12:30 A. M. Sunday May 22, then drove to "Shorty" Morgan's whiskey joint near Burbank where they stopped but did not get out of the cars, after which they separated, James and Edith Davis in one car, and Bridges, Bryan Burkhart and Anna Brown in the other car. This was about 2 A. M. May 22, 1921, and the last time George James saw Anna Brown alive.

Page 662
Par. last

Alleged that on May 21, 1921, Bryan Burkhart told Martha Doughty Brockshire that Anna had threatened to kill him but that he was going to beat her to it and kill her.

MORNING

35

E. M. PIKE,
Kansas City, Mo.

2.

Can testify that he was an operative for a private detective agency in June and July 1921, and, as such, was employed in June and July 1921 to get evidence to build up an alibi for Bryan Burkhardt in the murder of Anna Brown.

Can testify that Bryan Burkhardt admitted to him the details of the drinking party on the night and morning of May 21 and 22, 1921, at which time Anna Brown was in the party.

Can also testify that Bryan Burkhardt took him to several witnesses who Bryan had "fixed" to give statements to corroborate his, Bryan's, alibi.

Can testify that he learned that Bill Hale furnished Bryan Burkhardt the .38 calibre gun with which to kill Anna, as Bryan had a .44 which was well known, and its use would have thrown suspicion on him immediately; that all details of the killing of Anna Brown were worked out at the whiskey joint just west of Ralston, between Hale, Bridges and Bryan, that Saturday night, May 21, 1921.

Material.

3.

Page 318
Par. last

Page 317
Par. last

Page 315
Par. all

Page 650
Par. 1

Moena said question
will be before using
before Grand Jury.

1352

1. W. J. BRACKETT,
Pawhuska, Okla.

2. Worked on these cases as a private de-
tective under John A. Gustafson, of Kan-
sas City, Mo. He interviewed numerous
persons, and should have detailed infor-
mation.

3. Page 102
Par. Last

Subpoena and question
served before using
before Grand Jury.

Material.

1.

JOHN A. GUSTAFSON,
Kansas City, Mo.

Material.

2.

Head of a private detective agency which was employed by the Osage Indians to investigate this and other Indian murders; should have detailed information and reports on same.

3.

Page 27
Par. 2

Subject faces to cum.
Question fully before
Sitting before Grand
jury.

1.
JOHN MORAN,
Tulsa, Okla.

2.

Was employed by the Gustafson Detective Agency to investigate this and other Indian murders for the Osage Indian Nation. He interviewed numerous witnesses, and should have detailed information.

3.

Page 36
Par. 1

was proposed and question
asked before using
before Grand Jury.

Material.

1355

1.

WAYNE MOVEY

~~Somewhere in Idaho.~~
(Correct address will
be ascertained)

Saifay, Okla.

Immaterial.

2.

Stated by Mrs. Anna Sitterly that Wayne
Movey, a taxi driver, frequently hauled
Anna Brown. Should be able to testify
regarding Anna Brown's acquaintances and
habits.

3.

Page 117
Par. 5

desired subpoena
for Grand Jury and
question.

356

1.
W. C. BAILEY,
Madison, Kansas.

2.
Made statement to Agents F. S. Smith and
J. A. Street on July 18, 1925 in which
he stated that he and several others
were at Ernest Burkhardt's home near Gray-
horse, playing poker, and drinking, May
19 or 20, 1921, at which time Ernest
Burkhardt told them he wanted Anna Brown
out of the way and would give them \$5000
to bump her off.

Material.

Bailey's statement is corroborated by
Dewey Selph and B. B. Crane.

3.
Subpoena and question
dually before using
before Grand Jury.

Page 720
Par. 1st

13-57

DENNY SMUPH,

Pawhuska, Okla. Jail

Material:

R.

Made statement July 9, 1926 to Agents J. A. Street and J. R. Burger that he, while with several others playing poker at Ernest Burkhardt's home near Grayhorse just prior to the murder of Anna Brown, was propositioned by Ernest Burkhardt, who stated at that time that he would give \$2500 to get rid of Anna Brown, and \$2500 after she was done away with.

Selph's statement is corroborated by W. C. Bailey and B. B. Crane.

S.

Page 721
Par. last

Subpoena and question
fully before using be-
fore Grand Jury.

C 44445597

1.
B. B. CRANE
LaJunta, Colo. Jail.

2.
Made statement to Agents F. S. Smith and J. A. Street corroborating statements of Dewey Selph and W. C. Bailey, in which he, Crane, stated that he was at Ernest Burkhart's home near Grayhorse with several others playing poker, just prior to the murder of Anna Brown, and that while there Dewey Selph told him, Crane, that Ernest Burkhart wanted Anna Brown bumped off and said "our time will be made worth while". Crane also related in detail the movements of himself and others involved in the conspiracy.

3.
Page 776
Par. 11

Subpoena and question
served on witness before Grand Jury.

This witness is now being held in the County Jail at LaJunta, Colo., and arrangements have been made with the Sheriff and County Attorney to have him turned over to the Government when his presence is desired.

KELSIE MORRISON,

State Penitentiary,
McAlester, Okla.

Conspirator.

2.

Was at home of Ernest Burkhart near Grayhorse just prior to the murder of Anna Brown, with several others, in a poker party. While there he was propositioned by Ernest Burkhart, as set out in statements of Dewey Selph, W. C. Bailey and B. B. Crane. Ernest Burkhart offering to pay the sum of \$5000 for Anna Brown's death.

Page 776

Par. all

Page 781

Par. 3

Page 780

Par. last

Alleged that ~~William~~ stated that Catherine Cole, the wife of Kelsie Morrison, stated to her that she and Kelsie Morrison, on the night of May 21, 1931, or early morning of May 22, were riding in a car closely following the car in which Anna Brown and Bryan Burkhart were riding, and that Kelsie Morrison drove by and stopped his car behind the Burkhart-Anna Brown car, and shot Anna Brown in the head; that her body was then taken to the spot where it was later found; that Bill Hale paid Morrison \$1500 for killing Anna Brown.

Page 696

Par. last

Bill Hale, who is believed to be the master mind of these murders.

Page 776

Par. all

Page 781

Par. 3

Page 780

Par. last

CATHERINE COLE MORRISON.

Pawhuska, Okla.

Material.

2.

Alleged that ~~with~~ stated that Catherine Cole, the wife of Kelsie Morrison, stated to her that she and Kelsie Morrison, on the night of May 21, 1921, or early morning of May 22, were riding in a car closely following the car in which Anna Brown and Bryan Burkhardt were riding, and that Kelsie Morrison drove up and stopped his car behind the Burkhardt-Anna Brown car, and shot Anna Brown in the head; that her body was then taken to the spot where it was later found; that Bill Hale paid Morrison \$1600 for killing Anna Brown.

3.

Page 696
Par. last

propose and question
fully before using
before Grand Jury.

12/1
261